

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-55

February 26, 2002

DONNA ROBINSON
Appeal of Consumer Assistance Division
Decision #2001-11301 Regarding
Bangor Hydro-Electric Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

We uphold the December 12, 2001 decision of the Consumer Assistance Division (CAD) concerning Donna Robinson's complaint against Bangor Hydro Electric Co. (BHE) regarding payment for a line extension.

II. BACKGROUND

In October 2001, Ms. Robinson contacted the CAD complaining about the manner in which she had been charged for a line extension for 11 months in 1985. She also had questions about a neighbor's line extension. CAD found that under BHE's line extension policy existing in 1985, Ms. Robinson likely paid nothing for the extension. Her contract with BHE was a service guarantee contract, which required no additional payment if there was electricity usage that at least covered the amount owed of \$7.50 per month. Using BHE's rates then in effect, CAD found this would have been 83 kwhs per month. As further noted by CAD, 35-A M.R.S.A. § 1308 contains a six year limitation on claims for billing errors, so a refund would not be possible even if the charge had been incorrect. CAD also explained the circumstances surrounding the neighbor's private line extension and required Ms. Robinson to contact BHE to set up a payment arrangement for the amount outstanding on her account (which is unrelated to any line extension).

On January 30, 2002, Ms. Robinson appealed CAD's decision to the Commission (after the Commission's Administrative Director granted a number of extensions of the appeal deadline). In her appeal, Ms. Robinson claims she was charged \$8.00 a month for 11 months and that the line extension contract should not have been transferred to her from the previous owner of her property. She continues to request that this amount be refunded to her.

III. DECISION

There is no evidence that BHE improperly applied its line extension policy in 1985. Due to the passage of time, it is impossible for BHE to retrieve the billing records

and the statute of limitations makes this claim moot. Therefore, we uphold CAD's decision and decline to investigate this matter further.

Dated at Augusta, Maine, this 26th day of February, 2002.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond

COMMISSIONER ABSENT: Welch

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.